

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST  
LITIGATION

This Document Relates To:

THE DIRECT PURCHASER  
PLAINTIFF ACTION

Case No. 0:18-cv-01776 (JRT-HB)

**DECLARATION OF ERIC  
SCHACHTER IN SUPPORT OF  
DIRECT PURCHASER  
PLAINTIFFS' MOTION FOR  
APPROVAL OF NOTICE PLAN  
AND CLAIMS PROCESS**

I, Eric Schachter, declare and state as follows:

1. I am a Vice President with A.B. Data, Ltd. (“A.B. Data”). A.B. Data was selected by Direct Purchaser Plaintiffs to act as the Settlement Administrator<sup>1</sup> in this matter and recently completed the Court-approved notice plan for settlements reached with the JBS and Smithfield Defendants (the “Settlements”). I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto.

2. In consultation with Interim Co-Lead Counsel, I have prepared a proposed notice plan and claims administration process to distribute the Settlement Proceeds to Settlement Class members. This Declaration will describe the proposed notice plan and how it will provide due process to the potential members of the Settlement Class. This Declaration is based upon my personal knowledge and upon information provided to me by Interim Co-Lead Counsel, my associates, and A.B. Data staff members.

3. I have implemented and coordinated some of the largest and most complex class action notice and administration plans in the country. The scope of my work includes notification, claims processing, and distribution plans in all types of class actions, including but not limited to consumer, antitrust, securities, ERISA, insurance, and government agency settlements.

4. A.B. Data has also been appointed as notice, claims, and/or settlement administrator in hundreds of high-volume consumer, antitrust, civil rights, insurance,

---

<sup>1</sup> Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreement between Direct Purchaser Plaintiffs and Smithfield.

ERISA, securities, and wage and hour class action cases. A profile of A.B. Data's background and capabilities, including representative case and client lists, is included as **Exhibit A**.

### **NOTICE PLAN**

5. The proposed notice plan includes direct notice by mail and/or email to approximately 55,000 potential Settlement Class members identified through the previous notice plans for the Settlements. To supplement this direct notice and reach the potential members of the Settlement Class who may not receive direct notice, A.B. Data will implement a print and digital media campaign as discussed below.

6. Direct notice will be provided via a Long Form notice (attached as **Exhibit B**) and claim packet (the "Notice Packet"), that will be mailed to approximately 55,000 Settlement Class Members with a known mailing address and posted on the case-specific website, [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com). A.B. Data will track any mail returned as undeliverable by the United States Postal Service ("USPS"), and using third-party information providers to which we subscribe, attempt to ascertain an updated address and resend the Notice Packet.

7. An Email Notice, attached as **Exhibit C**, will be sent to the approximately 3,000 Settlement Class Members with a known email address. A.B. Data implements certain best practices to increase deliverability and bypass SPAM and junk filters, and we will be able to verify how many emails were successfully delivered.

8. The Notice Packet and Email Notice sent directly to potential members of the Settlement Class will include summary information concerning the claims process and

Interim Lead Counsel's motion for interim payment of attorneys' fees, reimbursement of current and ongoing litigation expenses, and service award payments to the Class Representatives. The notices will also inform Settlement Class Members of: how to participate in the claims process; how to object to the motion for interim payment of attorneys' fees, current and ongoing litigation expenses, and service awards; and will provide the date, time, and place of the hearing on the motion, and any Settlement Class member objections raised thereto.

9. To supplement the direct notice efforts, A.B. Data will publish a Publication Notice, attached as **Exhibit D**, one time in *Supermarket News* and *Nation's Restaurant News*. *Supermarket News* is a trade journal targeting retail grocer executives and wholesale buyers. *Nation's Restaurant News* is a trade journal targeting management in large multi-unit national chain restaurants and onsite food service facilities like hotels, clubs, and healthcare. A.B. Data will also implement a digital media banner ad campaign on the websites for each of these trade journals ([www.supermarketnews.com](http://www.supermarketnews.com) and [www.nrn.com](http://www.nrn.com)).

10. The Claim Form (attached as **Exhibit E**) included in the Notice Packet will be personalized to include each Settlement Class member's annual purchase information with respect to each Defendant and Co-Conspirator, based on the Defendants' and Co-Conspirators' records. Settlement Class members who disagree with or wish to supplement the known purchase information will be able to do so by completing a Purchase Audit Request Form, attached as **Exhibit F**. The Claim Form will also contain a personal Unique ID number that can be utilized to file claims online through the case website. Prepopulating the Claim Form with known purchase information will simplify the claims process for most

Settlement Class members by eliminating the need for them to independently verify all Settlement Class purchases.

### **WEBSITE AND TELEPHONE**

11. To assist potential members of the Settlement Class with inquiries, A.B. Data will continue to maintain the case-specific toll-free telephone number and a case-specific website. Both are available in English and Spanish.

12. The toll-free telephone number is equipped with an automated interactive voice response system. The automated interactive voice response system presents callers with a series of choices to hear prerecorded information. If callers need further help, they will have an option to speak with a live operator during business hours. The prerecorded information will be updated with information concerning the claims process.

13. The case-specific website, [www.porkantitrustlitigation.com](http://www.porkantitrustlitigation.com), will be updated to include the relevant information and documents related to the claims process and the motion for interim payment of attorneys' fees, reimbursement of current and ongoing litigation expenses, and service awards. The website will also be updated to include functionality for the Claim Form to be submitted online.

### **CONCLUSION**

14. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the proposed notice plan is designed to effectively reach potential members of the Settlement Class, will deliver plain language notices that will capture the attention of the reader, and will provide relevant information in an informative and easy to understand manner that is necessary to effectively understand the rights and

options related to the claims process and motion for interim payment of attorneys' fees and reimbursement of current and ongoing litigation expenses. This proposed notice plan conforms to the standards employed by A.B. Data in notification plans designed to reach potential class members of settlement groups or classes that are national in scope and reach narrowly defined entities and demographic targets. For all these reasons, in my opinion, the proposed notice plan satisfies due process.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 14th day of February 2022 in Milwaukee, Wisconsin.

A handwritten signature in black ink, appearing to read 'Eric Schachter', is written over a horizontal line.

Eric Schachter